

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN B. BELKIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 1:05-cv-11695-RCL
BRUCE LEVENSON,	)	
ED PESKOWITZ,	)	
J. MICHAEL GEARON, JR.,	)	
J. RUTHERFORD SEYDEL II,	)	
LPF ATLANTA LLC, and	)	
SSG GROUP, LLC,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT**

Plaintiff Steven B. Belkin ("Plaintiff") and defendants Bruce Levenson, Ed Peskowitz, J. Michael Gearon Jr., J. Rutherford Seydel II, LPF Atlanta LLC and SSG Group, LLC ("Defendants") hereby submit this Joint Status Report with respect to the above-captioned matter.

On August 4, 2005, Plaintiff brought an action against Defendants in the Superior Court of Suffolk County, Commonwealth of Massachusetts, styled Steven B. Belkin v. Bruce Levenson, Ed Peskowitz, J. Michael Gearon, Jr., J. Rutherford Seydel II, LPF Atlanta LLC and SSG Group, LLC, Civil Action No. 05-3287 (BLS). On August 12, 2005, Defendants filed a Notice of Removal, and the case was removed to this Court. On August 19, 2005, Plaintiff filed a Motion to Remand pursuant to 28 U.S.C. §1447(c).

On August 19, 2005, the parties entered into a Purchase and Sale Agreement ("PSA"), which would, upon the consummation of the terms of that agreement, result in a settlement of

this litigation. The PSA provided a valuation process for determining the fair market value of HTPA Holding Company, LLC, the owner of two Atlanta professional sports teams and the operating rights to the teams' home arena, and the sale of SB Belkin, LLC's ("Belkin") interest to HTPA. The PSA further contained a provision wherein the parties agreed that any suit as to any controversy or dispute arising out of the PSA would be brought in the Sixth Judicial Circuit Court ("Circuit Court") for Montgomery County, Maryland.

On November 23, 2005, Belkin filed an action in the Circuit Court for Montgomery County against HTPA and the Defendants alleging that HTPA and the Defendants had breached the terms of the PSA. Defendants answered and counterclaimed alleging that Belkin had breached the terms of the PSA. The parties thereafter filed cross-motions for partial summary judgment. On February 24, 2006, the Circuit Court held an expedited hearing on the motions for partial summary judgment and entered an order in Belkin's favor. The parties then filed cross motions for summary judgment, and, on June 14, 2006, the Circuit Court entered an order granting Belkin summary judgment. The Defendants appealed both the February 24, 2006 and June 14, 2006 orders to the Maryland Court of Special Appeals, which heard argument on March 2, 2007.

On September 11, 2007, the Maryland Court of Special Appeals vacated the Circuit Court's February 24, 2006 order granting Belkin summary judgment and the June 14, 2006 Amended Order Declaring the Rights of the Parties and, remanded the case back to the Circuit Court. The Circuit Court assigned the case to Judge Durke Thompson in the Business and Technology Case Management Program on November 30, 2007. On December 5, 2007, the Circuit Court issued a scheduling order and set a scheduling hearing date of March 7, 2008, subsequently reset to March 21, 2008.

The parties anticipate starting discovery promptly in the Circuit Court, and they ask that the stay in this action remain in place until the Maryland action is completed.

**PLAINTIFF**

STEVEN B. BELKIN

By his attorneys:

/s/ John G. Fabiano

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**DEFENDANTS**

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SSG GROUP, LLC

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Dated: December 21, 2007

**CERTIFICATE OF SERVICE**

I, Miranda Hooker hereby certify that a copy of the Joint Status Report was served on all parties through the ECF system on December 21, 2007.

/s/ Miranda Hooker

Miranda Hooker